



CRAIG WENNER
 Tel: (212) 909-7625
 Email: cwenner@bsfllp.com

August 5, 2025

BY ECF

The Honorable John G. Koeltl
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

**Re: *City of Almaty, Kazakhstan, et al. v. Mukhtar Ablyazov, et al.*,
 Case No. 15 Civ. 5345 (JGK) (KHP)**

Dear Judge Koeltl:

We represent BTA Bank JSC and the City of Almaty, Kazakhstan (“Plaintiffs”) and write in response to yesterday’s letter from counsel for Ilyas Khrapunov [ECF No. 1817], and to confirm that the Court still intends to hold the hearing tomorrow in light of the Court’s Order in the related case in which the Court stated, “The conference scheduled for August 6, 2025 is cancelled.” *Almaty v. Sater*, No. 19 Civ. 2645 (S.D.N.Y.) [ECF No. 760].

With respect to the scheduling question, our understanding is that yesterday’s order pertained only to the *Sater* case, and that the contempt hearing in this case is still proceeding. We called chambers to confirm and were advised to write to be sure there are no miscommunications and that everyone is prepared to proceed in the manner most helpful to the Court.

Regarding the letter from Khrapunov’s counsel, he states that Khrapunov does “not intend to adduce any additional or contradictory facts” and “will not contest the Certified Facts made by Judge Parker in her R&R (ECF 1810).” [ECF No. 1817]. However, Khrapunov does appear to contest “the conclusion of contempt” “and the \$1,000 fine.” *Id.* Yet Khrapunov admits he “did not file an objection” to Judge Parker’s Report and Recommendation. [ECF No. 1814 at 2].

To the extent Khrapunov intends to urge the Court to reject aspects of Judge Parker’s Order to which he did not object, we believe it may be useful to the Court to evaluate the evidence firsthand, including Khrapunov’s demeanor and credibility through live testimony. His own case law holds that “the Magistrates Act requires this Court to, at the very least, allow the Parties to present additional evidence supporting or contesting the recommended contempt finding.” *Jones v. Dow Chem. Co.*, No. 1:23-CV-11814, 2025 WL 1261107, at *1 (E.D. Mich. May 1, 2025). If Khrapunov is going to be permitted to dispute Judge Parker’s ultimate findings now, despite not having objected, Plaintiffs believe an evidentiary hearing remains appropriate, but we are of course prepared to move forward however the Court directs. Thank you for your consideration.

Respectfully,

/s/ Craig Wenner
 Craig Wenner

BOIES SCHILLER FLEXNER LLP